

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY THOMAS SWOKLA,

No. C 08-5303 WHA (PR)

Petitioner,

**ORDER EXTENDING TIME  
TO FILE IN FORMA  
PAUPERIS APPLICATION**

vs.

JAMES YATES, Warden,

Respondent.

This is a habeas case filed pro se by a state prisoner. Petitioner had neither paid the filing fee nor applied for leave to proceed in forma pauperis (“IFP”), so the clerk sent him a notice to that effect. The notice included a copy of the court’s form for applications to proceed in forma pauperis and a stamped addressed envelope in which to return it. Petitioner was warned that if he did not pay the fee or apply for leave to proceed IFP within thirty days the case would be dismissed.


Petitioner has written two letters to the court in response to the notice. In the first he says that he asked the prison trust account office to send the fee, but that office returned his request, saying that the court would not accept payment without a case number. He asks if he will be given more time. In the second letter he again says that he tried to get the trust account office to send the money; it is unclear whether this is a reference to the same effort he refers to in the first letter, the one where his request was returned because it did not include a case number. He asks what to do.

1 It is up to petitioner to either pay the fee or file a proper application to proceed IFP.  
2 Now that he has the number of his case, C 08-5303 WHA (PR), he can provide that to the  
3 prison trust office along with his request to pay the fee, which should suffice. The time for  
4 petitioner to pay the fee or apply for IFP status is **EXTENDED** to a date thirty days from the date  
5 this order is entered.

6 Petitioner also inquires about an ECF pamphlet, regarding electronic filings in the court,  
7 which was sent to him by the clerk with his copy of the petition. The ECF program does not  
8 apply to prisoners, so he may disregard the pamphlet.

9 **IT IS SO ORDERED.**

10 Dated: January 15, 2009.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE